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FEDERAL COMMUNICATIONS COMMISSION

May 4, 1992

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 92-203
38393

In the Matter of

The Use of N11 Codes and Other
Abbreviated Dialing Arrangements

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) CC Docket No. 92-105
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NOTICE OF PROPOSED RULEMAKING

Adopted May 4, 1992; Released May 6, 1992

Comment Date: June 5, 1992

Reply Comment Date: June 22, 1992

By the Commission:

INTRODUCTION AND BACKGROUND

1. This Notice of Proposed Rulemaking invites comments on proposed changes to our rules that would require local exchange carriers to provide abbreviated dialing arrangements.

2. On March 6, 1992, BellSouth Corporation (BellSouth) filed a petition for declaratory ruling asking this Commission to declare that assignment of certain three-digit codes for access for "local pay per call type information services" would be consistent with the Communications Act and Commission policies. The petition revealed that it was prompted by a request from Cox Enterprises, Inc. ("Cox") that BellSouth assign Cox a three-digit code in Atlanta for that purpose. BellSouth proposed to make the assignment of such codes ("N11 codes") subject to discontinuance on six months notice if the codes were needed for other purposes.

3. While there appears to be no legal or regulatory impediment to assignment of such codes in the manner proposed by BellSouth, we have concluded that it nevertheless would be

appropriate to address the broad questions surrounding assignment of N11 codes in a rulemaking proceeding.¹

4. The North American Numbering Plan (NANP) features ten-digit telephone numbers consisting of a three-digit Numbering Plan Area (NPA) code followed by a seven-digit local telephone number. The NPA code is usually a geographic area code, but NPA codes can also designate a special service or be used for abbreviated dialing.

5. Under current numbering procedures, there are 160 possible NPA codes. This represents the number of combinations available when the first digit cannot be a zero or one and the second digit is always a zero or one. Sixteen of these 160 NPA codes have a unique format: eight have a double "0" ("N00" codes) and eight have a double "1" ("N11" codes).

6. The N00 codes are called "service access codes" and several have been assigned for access to special services (the most widely recognized are 800 and 900 services). The N11 codes are simply called "service codes" and set aside for future use or various special functions (the most widely used being 411 and 911).

7. Excluding N00 and N11 codes, there are 144 NPA codes that look like traditional geographic area codes. Of these, 142 have already been assigned. Thus, only two area codes in the traditional format have not yet been assigned. Between now and 1995 when the numbering format is scheduled to be altered so that more NPA codes will be available, some N00 and N11 codes may have to be assigned as geographic area codes.

¹The Commission's General Counsel, on the same date this Notice was adopted, informed BellSouth that "there appears to be no regulatory or legal impediment prohibiting BellSouth from currently assigning N11 codes in a reasonable, non-discriminatory manner, i.e., such as the use of first-come, first-serve procedures." Letter from Robert L. Pettit, FCC General Counsel, to David J. Markey, Vice President, BellSouth. Of course, any such number assignments would be subject to the outcome of any rules we adopt in this rulemaking proceeding, and thus parties accept such number assignments at their risk. Because we are undertaking this rulemaking proceeding, we will not act further on the BellSouth petition.

8. Although the Commission has plenary jurisdiction over numbering plan issues,² Bell Communications Research (Bellcore) currently serves as the Administrator of the NANP. Bellcore's current plans apparently call for the assignment of N00 codes as area codes prior to the assignment of N11 codes. Although N11 codes have been kept in reserve, Bellcore's current numbering policies allow the use of N11 codes for local purposes if their "assignment and use can be withdrawn on short notice."³ Four of these service codes (211, 311, 511, and 711) are apparently not used at all. Two other service codes (611 and 811) are used by some local exchange carriers for repair services and business office services.

9. Dialing schemes of differing lengths may increase the cost and complexity of designing, manufacturing, and programming telephone switches. Dialing procedures that require all calls to have a uniform number of digits may reduce costs and increase the efficiency of switching. This is because, when calls are of variable length, special arrangements must be made to signal the switch to forward the call. In areas covered by the NANP, special adaptations must be made when the number of digits differs from seven or ten.⁴ It appears, however, that switches can recognize calls whenever both the second and third

²See Referral of Questions from General Communication Inc. v. Alascom Inc., 3 FCC Rcd 700, 709 (1988); FCC Policy Statement on Interconnection of Cellular Systems, Appendix A to The Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Services 59 R.R. 2d 1275, 1279 (1986) recon. granted in part, denied in part, 2 FCC Rcd 2910 (1987), further recon. granted in part, denied in part, 4 FCC Rcd 2369 (1989).

³Bell Communications Research, BOC Notes on the LEC Networks -- 1990. Special Report SR-TSV-002275, Issue 1, March, 1991, page 3-7.

⁴Usually, the adaptation to dialing an unusual number of digits is made in one of three ways. First, a special signal can indicate the end of dialing. For this purpose "#" is typically used. Thus, four digit dialing might be inaugurated using NXX#. A second method of determining when a call is complete is timing: if a sufficient delay (usually four seconds) occurs after a digit is dialed, the switch may be programmed to assume that dialing is complete and no more digits follow. The routing of the call is then based on the number of digits dialed before the pause occurred. This method has the obvious inefficiency of delaying calls. Finally, switches may be programmed to recognize certain types of abbreviated calls, such as those where both the second and third digit dialed are "1".

digits are "1" and can handle those calls as being three digit calls.

10. If an exchange carrier currently uses "411" for directory information calls or "911" for emergency calls, it appears that three digit calls can be routed without modifications to the carrier's switches. If an exchange carrier does not currently use "411" for directory information calls or "911" for emergency calls, it appears likely that the carrier's switches may require minor modifications to process N11 calls. We invite comments on these assumptions.

DISCUSSION

11. We tentatively conclude that this Commission should adopt rules to govern the use of certain N11 codes and invite comments on a number of issues associated with doing so. We intend to restrict this proceeding to the specific questions associated with N11 codes.⁵ We do not propose to disturb the use of 911 for emergency services or the use of 411 for directory information services that are classified as basic or adjunct to basic services for purposes of this Commission's rules even if those numbers are not presently used in some geographic areas for those purposes. In view of press reports that some exchange carriers may plan to use 411 for service offerings that would be classified as enhanced services for purposes of our rules, we believe we should determine whether that practice should be permitted. We inquire whether the 411 code should be restricted to the provision of directory assistance information that is classified as basic or adjunct to basic.

12. We tentatively conclude that 211, 311, 511, and 711 should be available for abbreviated dialing and that 611 and 811 should also be available at least wherever an exchange carrier does not currently use those codes for the purposes permitted by Bellcore. Alternatively, we ask whether codes 611 and 811 should also be made available for such uses even in those areas where they are currently used by the local exchange carrier for other purposes. We inquire as to whether the continued use of 611 and 811 by exchange carriers represents an efficient use of limited numbering resources that serves an important public purpose.

⁵On September 26, 1991, we received a petition from the National Association of Regulatory Utility Commissioners asking the FCC to begin an inquiry into the Administration of the North American Numbering Plan and Bellcore's role as administrator (DA 91-1307). We anticipate that we will take up broader numbering issues, such as those raised in connection with the NARUC petition, in a separate proceeding.

13. We also tentatively conclude that the N11 codes should be available for abbreviated dialing unless and until it becomes necessary to use these codes as area codes. So long as these codes can be recalled on short notice, their use for purposes other than area codes does not appear to be detrimental to the NANP. We invite comments on these tentative conclusions. We also invite comment upon the notice period that should be specified for the recall of an N11 code⁶ and the manner in which such codes, including 611 and 811, should be recalled if needed for other NANP uses.

14. We also seek comment on whether three-digit dialing should be available for purposes other than enhanced services and encourage all interested parties to address this issue.

15. Given the extremely limited number of service codes available in each geographic area, it seems conceivable that these codes may acquire some value and that the holders of such codes may wish to sell or transfer their numbers to others. We inquire as to whether these numbers should be treated in this regard in the same manner as other telephone numbers.

16. Given that local exchange companies will only be able to allocate four to six N11 codes in each area, it appears likely that the demand for those codes will exceed the supply in at least some areas. We seek comment on whether any new network features or functions are now, or might soon be, available that could offer technological solutions to the scarcity of N11 codes. We also seek comment on what, if any, restrictions should be placed on the manner in which LECs allocate the limited number of codes if demand exceeds supply. We tentatively conclude that LECs should not be subject to any additional restrictions on how they allocate these codes, as section 202(a) of the Communications Act already prohibits carriers from granting undue preferences or engaging in unreasonable discrimination.⁷ We tentatively conclude that LECs should be permitted to select any reasonable allocation mechanism. Parties arguing that the Commission should prescribe a specific allocation mechanism should provide a detailed discussion of that mechanism. We also seek comment on whether LECs should be permitted to grant a preference to parties that propose innovative ways of using the telephone company's network. Finally, we seek comment on whether

⁶The BellSouth petition suggested six months notice.

⁷Cf. The Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Services, 2 FCC Rcd 2910, 2915 (1989) ("telephone companies must provide [Public Mobile Service] carriers with reasonable accommodation of their numbering requirements").

carriers should be permitted or required to limit customers to one N11 code in each area.

17. While the configuration of the national numbering plan is necessarily interstate, the codes themselves may in some cases be used for intrastate enhanced services. Accordingly, we inquire as to what role, if any, state regulators should have in the allocation of N11 numbers in the event demand exceeds the available supply of such numbers. We invite interested persons to comment on that issue.

18. We note that dialing schemes of differing lengths--as found in different parts of Europe--can lead to customer confusion. The NANP is based on a dialing system where calls are either seven or ten digits. Abbreviated dialing in the area covered by the NANP is rare. Nevertheless, customer familiarity with 411 and 911 seems to be widespread. Thus, we tentatively conclude that the use of N11 codes for information services will not result in customer confusion and request comments on this conclusion.

19. We note that a variety of abbreviated dialing arrangements are conceivable. For example, "N11," "*XX," "*XXX," and "XX#" might be used for that purpose. These alternative dialing arrangements would accommodate many times the number of providers that can be handled using service codes. Using these arrangements, however, may require substantially more time for the local exchange carriers to provide the service and substantial effort and costs in reprogramming equipment. We invite comments on the feasibility of requiring that other abbreviated dialing arrangements be made quickly available in lieu of or in addition to requiring exchange carriers to make some N11 codes available.

PROCEDURAL MATTERS

20. This is a non-restricted notice and comment rulemaking proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See generally 47 C.F.R. §§ 1.1202, 1.1203, and 1.1206(a).

21. We certify that the Regulatory Flexibility Act of 1980 does not apply to this rulemaking proceeding because if the proposed rule amendments are promulgated, there will not be a significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory

Flexibility Act. The Secretary shall send a copy of this Notice of Proposed Rulemaking, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. See 5 U.S.C. § 601, et seq.

22. In this Notice, we have outlined our proposals for amending our rules to require local exchange carriers to provide N11 codes for abbreviated dialing. We invite comments on the issues and proposals addressed in this Notice and the attached Appendix, and encourage full participation of interested parties.

23. Accordingly, pursuant to Sections 1, 4(i), 201-205, and 403 of the Communications Act, 47 U.S.C. §§ 151, 154(i), 201-205, and 403, a NOTICE OF PROPOSED RULEMAKING IS ISSUED, proposing amendment of 47 C.F.R. §64.1402 et seq. as set forth in the Appendix.

24. Pursuant to Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. § 1.415, 1.419, all interested parties may file comments on the matters discussed in this Notice and on the proposed rules contained in the Appendix by June 5, 1992. Reply comments are due by June 22, 1992. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants wish each Commissioner to have a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 203) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION



Donna R. Searcy
Secretary

APPENDIX A

PROPOSED AMENDMENTS TO THE CODE OF FEDERAL REGULATIONS

Title 47 of the CFR, Part 64, is proposed to be amended as follows:

PART 64 -- MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for Part 64 is amended to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201-4, 218, 225, 226, 227, 48 Stat. 1070-71, as amended, 1077; 47 U.S.C. 201-4, 218, 225, 226, 227 unless otherwise noted.

2. New Subpart N is added to read as follows:

Subpart N -- Abbreviated Dialing

§ 64.1401 Codes Available

(a) Local exchange carriers shall make dialing arrangements using service codes 211, 311, 511, and 711 available so long as these codes have not been assigned for other uses by the Administrators of the North American Numbering Plan.

(b) Local exchange carriers that do not use service codes 611 and/or 811 shall also make dialing arrangements using those service codes available so long as those codes have not been assigned for other uses by the Administrators of the North American Numbering Plan.

§ 64.1402 Conditions

(a) Any of the service codes listed in subsections 64.1401(a) or 64.1401(b) may be assigned for other uses by the Administrators of the North American Numbering Plan.

(b) The use of any of the service codes listed in subsections 64.1401(a) or 64.1401(b) for local purposes must be conditioned on the requirement that the use can be discontinued on ___ days notice by the Administrators of the North American Numbering Plan.